

REVISED LAWS OF MINNESOTA *94*

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
FRANCIS B. TIFFANY

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such sheriff shall also receive a per diem of three dollars per day for each day necessarily consumed in conveying prisoners to the prison or reformatory. All bills shall be rendered in writing, fully itemized and verified by oath, and accompanied by the receipt of the warden of the prison or the superintendent of the reformatory, for the delivery of such convict or convicts, in form to be prescribed by the state auditor. ('09 c. 70 § 1)

Historical.—"An act relating to fees and expenses of sheriffs and other officers for taking convicts to the state prison and the state reformatory." Approved March 12, 1909.

Section 2 makes an appropriation for expenses for the two years ending July 31, 1909.

[5458—]1. **Crushing rock for roads.**—The state board of control of the state of Minnesota is hereby authorized and directed to purchase such machinery and appliances as may be necessary in addition to those now belonging to the state of Minnesota at the Minnesota State Reformatory, and promptly proceed to cause the spalls and waste rock now on the grounds of said reformatory, and such spalls and waste rock as shall hereafter accumulate at said reformatory, to be suitably crushed for road-making purposes. ('09 c. 229 § 1)

Historical.—"An act to authorize the state board of control to purchase necessary machinery and appliances for the purpose of furnishing crushed rock for the roads in Minnesota from the spalls and waste rock at the Minnesota State Reformatory at St. Cloud." Approved April 17, 1909.

[5458—]2. **Delivery to highway commission.**—Such crushed rock, in excess of the needs of said reformatory for construction of buildings of said reformatory, and for the making of roads upon the grounds thereof, shall be delivered free on board cars at the reformatory quarries to the state highway commission, as it shall apply therefor, and shall be used in the construction and repair of permanent public roads in the state of Minnesota, according to plans provided by said state highway commission. ('09 c. 229 § 2)

5459. Aid for prisoner or his family.

See sections [5452—] 1, [5452—] 2.

CHAPTER 106.

JAILS, LOCKUPS, AND JUVENILE OFFENDERS.

COUNTY JAILS.

5467. Officers appointed by sheriff.—The sheriff of every county maintaining a jail, with the approval of the judges of the district court therein, shall appoint a competent woman as matron, who, under his direction, shall have exclusive charge of all female prisoners. He may, in the same manner, whenever the average number of prisoners in such jail for the preceding six months shall have been ten or more, appoint a night watchman, and, when twenty or more, an assistant jailer also. Said judges shall fix the compensation of all such employes at not less than the following sums, viz: The matron, 50 cents for each day when there is a female prisoner; the night watchman and assistant jailer, one dollar per day; provided that they shall be discharged whenever the number of prisoners for any preceding six months has fallen below the number herein prescribed: Provided, that in counties having a population of more than one hundred and fifty thousand, where the sheriff is

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not paid any salary, but receives fees in lieu thereof for his compensation, he may appoint, with the approval of said judges, a matron, three jailers, three watchmen, and, where an elevator is in use, an operator thereof, who shall be a deputy sheriff. Said officers shall be sober, responsible persons, able to read and write the English language intelligently. Their compensation shall be fixed by said judges and paid monthly; they shall hold office during the pleasure of the sheriff and judges, and they may be removed at any time by the sheriff or by said judges. Whenever the sheriff performs the duties of jailer, he shall receive the compensation fixed therefor. (R. L. § 5467, as amended by Laws 1907, c. 257, § 1.)

5472. Compensation for boarding of prisoners.—Every sheriff in charge of a county jail shall receive from the county compensation for board and washing for prisoners as follows: On the last day of each month he shall render to the county board a verified statement showing the name of each prisoner, and the number of days boarded. The average number for the month shall be ascertained by adding together the number of days each has been boarded, and dividing by the number of days in the month. If such average number is not more than five, the pay shall be sixty cents per day for each prisoner; if more than five and not more than ten, fifty-five cents per day; if more than ten, fifty cents per day; but in no case shall he receive a less amount for boarding a larger number than he would be entitled to for a smaller number. In every county where the sheriff's compensation for board of prisoners is fixed by special law, it shall so continue, unless the county board by unanimous vote shall elect to come under the general law, after which it shall be governed by this section. (R. L. § 5472, as amended by Laws 1909, c. 192, § 1.)

G. S. 1894, § 7427, cited in *Bodkin v. Kerr*, 97 Minn. 301, 107 N. W. 137.

See note under section 3609.

JUVENILE OFFENDERS.

5496. Probation officers.—In every county of more than 50,000 inhabitants, a probation officer shall be appointed by the district judges of said county. Such officer may appoint one or more deputies subject to the approval of said judges. Each shall serve four years, unless sooner removed by said judges for cause. The county commissioners of said counties shall provide said probation officers and deputies suitably furnished office rooms, record books, blanks, stationery, postage and other actual expenses required for the proper execution of the purposes of this act, to be defrayed out of any moneys in the general fund of their counties not otherwise appropriated, upon bills duly authorized and allowed in the usual manner by said commissioners. (R. L. § 5496, as amended by Laws 1907, c. 342, § 1.)

Historical.—"An act to amend chapter one hundred and six of the Revised Laws 1905, entitled 'Jails, Lockups and Juvenile Offenders.'" Approved April 23, 1907.

By section 5 it is provided that nothing in the act shall be understood to abridge or shorten the term of office of any probation officer heretofore appointed under the provisions of Laws 1899, c. 154, and acts amendatory thereof, but any such officer heretofore appointed shall continue in office until the expiration of the term for which he was appointed, subject, however, to removal by the district court for cause.

Laws 1899, c. 154, was amended by Laws 1903, c. 270. Said acts were repealed by R. L. §§ 5543, 5546; their provisions being incorporated in sections 5496 to 5501. Laws 1899, c. 154, §§ 1, 2, and 7, was again amended by Laws 1905, c. 321, which is superseded by Laws 1907, c. 342.

See note under section [3621—] 6.

5497. Duties—Contingent fund.—Such officer or his deputy shall be present in the municipal courts in his county, and in the

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district court whenever any person under twenty-one years of age is brought into either court for trial for any offense, and in the probate court when such person is brought in for the purpose of having it determined whether he should be committed to a state institution. He shall supervise and be responsible for the conveyance of all children committed by the court to the state public school for dependent children, and when so directed by the court to the state training school or to such other public institution as the court shall designate, without compensation, except transportation and expenses actually incurred, and a contingent fund of \$500.00 per annum for the payment of such transportation and expenses shall be set aside in the treasury of his said county to be paid out only upon order of the court upon proper vouchers attached thereto. (R. L. § 5497, as amended by Laws 1907, c. 342, § 2, and Laws 1909, c. 426, § 1.)

See note under section next preceding.

5500. Report to court and board of control.—Every such probation officer shall report in writing to the court, as often as required by it, with reference to the condition, disposition and other pertinent facts relative to such children, and shall also make a similar report to the state board of control when requested by said board so to do. (R. L. § 5500, as amended by Laws 1907, c. 342, § 3.)

See note under section 5496.

5501. Salaries.—In counties having a population of more than fifty thousand and less than one hundred thousand, the probation officer shall receive as full compensation for his services six hundred dollars per annum; in counties having a population of one hundred thousand and less than one hundred and fifty thousand, he shall receive one thousand and five hundred dollars per annum, and each deputy seven hundred and twenty dollars, and in counties having a population of more than one hundred and fifty thousand, he shall receive eighteen hundred dollars per annum, and each deputy such sum as shall be fixed by the said judges of the district court which salaries shall be paid by the county treasurer in equal monthly installments upon certificates issued by the clerk of the district court. (R. L. § 5501, as amended by Laws 1907, c. 342, § 4.)

See note under section 5496.